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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,101	02/18/2004	Jacqueline Marie Steady		4769

7590 05/16/2005

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EXAMINER

CRANSON JR, JAMES W

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,101

Applicant(s)

STEADY, JACQUELINE MARIE

Examiner

James W. Cranson

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 1-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/21/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “perimeter encompassing 360 degrees” and “an area encompassing a range of 90 degrees of said perimeter of said at least 270 degrees” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Objections*

Claim 1 is objected to because “a perimeter encompassing 360 degrees” and “an area encompassing a range of 90 degrees of said at least one side to 270 degrees” is not understood since the drawing disclose a rectilinear geometry in Cartesian coordinates and any mention of degrees would be in polar coordinates.

Claims 2-16 depend from claim 1 and are objected to for the same reasons.

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The following claims have<sup>been</sup> rejected in light of the specification , but rendered the broadest interpretation [MPEP 2111]. Applicant should positively cite the structural limitations to be given full patentable weight within an apparatus claim.

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*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As understood, claims 1-3, 6, 7, 8,11, and 13, are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 1,638,039 to I Jones.

Jones discloses a combined flash light and handle that includes a clip having a back member, fastening device and front member rotatably secured to back member.

Regarding claim 1,

A lighting device (figures 1 and 2) comprising:

- a unit having a plurality of surfaces (figures 1 and 2):
  - said surfaces including:
    - a top (figure 3)
    - at least one side (figures 1 and 2);
    - a base (figures 1 and 2);
  - said top including a transparent material (lens 22)
  - said at least one side having a perimeter encompassing 360 degrees (figures 1, 2, 3, 4, 5 and 6)
  - an area encompassing 90 degrees of said perimeter at least one side to 270 degrees including transparent material (figure 1, lens 22 encompasses a range of 90 degrees to 270 degrees of perimeter)
- a clip (page 3, lines 62-74,) having a back member (31)
- said back member being one of extending from and secured to base of unit (figure 2)
- a front member (32);
- a fastening device (38,41)
- front member rotatably secured to back member by fastening device (page 3, lines 99-115)
- a lighting circuit ( page 2, lines 73-110, page 3, lines 1-4) between top and base
- lighting circuit having plural components ( page 2, lines 73-110); and
- at least one of said plurality of surfaces including interior

access region ( figures 1 and 2)

Regarding claims 2 and 3, according to claim 1,

Jones discloses at least one replaceable lamp as shown in figures 1 and 2.

Regarding claim 6, according to claim 1, wherein at least one interior access region includes a retractable portion.

Jones discloses (page 3, lines 36) that at least one interior access region includes a retractable portion.

Regarding claim 7, according to claim 1, wherein base member has edge region and back member of clip extends from range of within said edge to outward of edge region of base in rest position of back member.

Jones discloses and illustrates in figures 1 and 2 wherein base member has edge region and back member of clip extends from range of within said edge to outward of edge region of base in rest position of back member.

Regarding claim 8, according to claim 1,

Jones discloses a battery as a replaceable power supply.

Regarding claim 11, according to claim 1

said top having length and width;

said length of said top being greater than said width

top including transparent material; and

transparent material extending length of top

(figures 1 and 2)

Regarding claim 13, according to claim 1,

Jones discloses a lining that is a curved reflector (page 2, 73-77)

Regarding claim 16, according to claim 1,

Jones discloses that lighting device is rotatable.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 20, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by  
USPN 6,065,850 to Chiu.

Chiu discloses a lighting device with thickness and base, at least one aperture, top  
of unit including a transparent display and a light between base and unit top.

Regarding claim 17;

A lighting device (figures 1-3A) comprising:

a unit having a thickness and a base (2, figures 1-3A)

said base (2) including:

a top (3)

a plurality of sides (sides are not labeled, figures 1-3):

and a base member (2)

unit having edge region along sides exterior to base of unit (figures 1-3A)

edge region including at least one aperture (12, column 2, lines 20-29)

a lighting circuit is not disclosed to supply current to the disclosed light

however it is inherent that a circuit is always used to supply current/and or voltage to a light source.

Regarding claim 20, according to claim 17,

Chiu discloses and illustrates in figure 2 that unit includes an interior access region.

Regarding claims 21 and 22, according to claim 17,

Chiu discloses at least one replaceable lamp (282) as shown in figure 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 9, 12,14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 1,638,039 to I Jones.

Regarding claim 4, according to claim 1, further comprising two replaceable lamps.

Jones discloses the claimed invention except for the two replaceable lamps. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with two replaceable lamps because it has been held that lacking any criticality, to duplicate prior art parts for multiple effect does not make the claimed invention patentable over that prior art ( *Saint Regis Paper Company v. Bemis Company Incorporated*, 193 USPQ 8).

Regarding claim 5, according to claim 4, further comprising a three volt power supply



Art Unit: 2875

Jones discloses the claimed invention except for the three volt power supply. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with a three volt power supply because it has been held that lacking any criticality, where the the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art (*In re Aller*, 105 USPQ 233).

Regarding claim 12, according to claim 11, transparent material includes plastic.

Jones discloses the claimed invention except for the plastic transparent material. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with transparent plastic material because it has been held that lacking any criticality, the selection of known material based on its suitability for the intended use for prior art parts does not make the claimed invention patentable over that prior art ( *In re Leshin*, 125 USPQ 416).

Regarding claim 14, according to claim 13, the lining material includes aluminum.

Jones discloses the claimed invention except for the lining is aluminum material. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with aluminum lining material because it has been held that lacking any criticality, the selection of known material based on its suitability for the intended use for prior art parts does not make the claimed invention patentable over that prior art ( *In re Leshin*, 125 USPQ 416).

233).

Regarding claim 15, according to claim 1, transparent material includes rigid clear plastic.

Art Unit: 2875

Jones discloses the claimed invention except for clear rigid plastic transparent material.

It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with rigid clear plastic material because it has been held that lacking any criticality, the selection of known material based on its suitability for the intended use for prior art parts does not make the claimed invention patentable over that prior art ( *In re Leshin*, 125 USPQ 416).

Claims 18, 19, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,065,850 to Chiu.

Regarding claim 18, according to claim 17, said top of unit includes clear plastic.

Chiu discloses the claimed invention except for the clear plastic material. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Chiu with clear plastic material because it has been held that lacking any criticality, the selection of known material based on its suitability for the intended use for prior art parts does not make the claimed invention patentable over that prior art ( *In re Leshin*, 125 USPQ 416).

Regarding claim 19, according to claim 17, said top of unit includes clear plastic and at least another side of plurality of sides includes clear plastic.

Chiu discloses the claimed invention except for the clear plastic material. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with clear plastic material because it has been held that lacking any criticality, the selection of known material based on its suitability for the intended use for

Art Unit: 2875

prior art parts does not make the claimed invention patentable over that prior art ( *In re Leshin*, 125 USPQ 416).

Regarding claim 26, according to claim 17, edge has first thickness, base has second Thickness, first thickness thinner than second thickness.

Chiu discloses the claimed invention except for the edge has first thickness, base has second thickness, first thickness thinner than second thickness. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Chiu with an the edge has first thickness, base having second thickness, first thickness thinner ,than second thickness because it has been held that lacking any criticality, changing the form or shape of prior art parts does not make the claimed invention patentable over that prior art ( *In re Dailey*, 149 USPQ 47).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 1,638,039 to Jones in view of 6,857,756 to Reiff et al.

Jones does not disclose a rechargeable power supply or receiving power from one of a plug and an adapter.

Reiff in a LED work light teaches the use of rechargeable power supply and the use of a plug and an adapter.

It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with teaches the use of rechargeable power supply and the use of a plug and an adapter as taught by Reiff. The purpose as stated by Reiff is to have a means whereby work lights intensity will not have to decrease because batteries run down.

Claims 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,065,850 to Chiu in view of 6,857,756 to Reiff et al.

Chiu does not disclose a replaceable 3 volt power supply plug or rechargeable power supply. Reiff in a LED work light teaches the use of rechargeable power supply and the use of a replaceable power supply.

It would have been obvious to one of ordinary skill in the art at the time of invention to provide Jones with teaches the use of rechargeable power supply and the use of replaceable power taught by Reiff. The purpose as stated by Reiff is to have a means whereby work lights intensity will not have to decrease because batteries run down.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/782,101  
Art Unit: 2875

Page 12

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**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**